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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,756	12/31/2001	David E. Pitcher	Rosc-12	3680

7590

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EXAMINER

KIM, SANG K

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,756

Applicant(s)

PITCHER, DAVID E.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Priority

It is noted that this application appears to claim subject matter disclosed in prior copending Application No. 10037314, filed 12/31/01. Applicant is advised to update the application number in the specification of this application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: length "L".

The drawings are objected to because reference numbers are not legible throughout the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to because the word, "torroidal" should be "toroidal" throughout the specification and the claims. On page 23, line 13, "about n one" should be "about one". On page 21, line 12, insert space in between "lips152". Corrections are required. See MPEP § 608.01(b).

Claim Objections

Claims 1, 9, and 18 are objected to because of the following informalities:

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Claim 1, line 6, "a support cable" should be "said support cable"; also, make changes in claim 14.

Claim 9, line 13, "wrapping or unwrapping said cable about said hub" should be "wrapping or unwrapping said cable about the outer surface of said hub".

Claim 14, line 10, "rings having each having" should be "rings each having".

Claim 18, line 2, "thirt-second" should be "thirty-second". Appropriate corrections are required.

Claim Rejections - 35 USC § 112 1st Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 16, the phrase, "an outermost peripheral lip of each of said walls heat and/ pressure formable".

Claim Rejections - 35 USC § 112 2nd Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-8 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7-8, line 3, "said rings are spaced apart from one another by at least 90 degrees" is indefinite because examiner cannot determine which direction is applicant referring to.

Claim 12, the phrase "said rings are out of phase with one another by at least 90 degrees when they are mated together" is indefinite because examiner cannot determine exactly what the applicant is referring.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Burger et al, U.S. Patent No. 4802638.

Referring to claims 16 and 17, Burger et al teach an annular generally U-shaped channel formed of generally toroidal shape having an open outermost peripheral gap (no reference number assigned) defined by a pair of radially outwardly directed walls 110, 120; an outermost peripheral lip 115, 125, of each of said walls pressure formable

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toward on another to create a narrow rigidly spaced apart relationship of said outermost peripheral lips for squeezing release of a cable 60 pulled as shown in Figs. 5-6 and 10.

The recitation in the claim of a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier from an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burger et al, U.S. Patent No. 4802638.

Referring to claim 18, Burger et al does not state a specific dimension of the cable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cable into a specific dimension as a choice of design to support a desired load.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomberg, U.S. Patent No. 2533731.

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Referring to claim 1, Gomberg teaches a pair of rigid annular rings 1, 2, lockably engagable with one another, each ring having an inner arcuate hub flange 6, 7, which defines a hub surface for receiving at least one wrap of said support cable on the hub surface of one side 6; an annular outermost edge 4, 5 on each of said rings, spaced apart from one another when said rings are mated together, said spaced apart annular edges defining a gap less than twice said diameter of said cable as shown in Figs. 1-6, and described in column 3, lines 2-17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Gomberg by changing the design of each hub surface to receive at least one wrap of cable as a choice of design. Also, by having each hub surface to receive at least one wrap of cable lacks any disclosed criticality relevant to the invention because each hub surface with one coaxial surface as taught by Gomberg does same functionality as the applicant's invention.

The recitation in the claim that a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier form an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Referring to claims 2-5, and 7-8, Gomberg teaches at least two arcuate locking flanges using the slots 8-9 for securing said rings to one another using the lugs 12-13 into the slots as shown in Figs. 1-6.

Referring to claim 6, see claim 1 above.

With respect to claims 9-11 and 13, the method described in these claims would inherently result from the use of invention of Gomberg as advanced above.

Referring to claims 14-15, Gomberg teaches a pair of rigid annular rings 1, 2, each having an outer peripheral lip 3, 3 a hub is disposed between said rigid annular rings, said rings and said hub lockably engaged with one another and able to receive at least one wrap of said support cable, each of said spaced apart lips defining a gap less than twice said diameter of said cable as shown in Figs. 1-6, and described in column 3, lines 2-17.

Since, an inner axially directed lip and a drum defines an inner hub to receive at least one wrap of cable lacks any disclosed criticality relevant to the invention, thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Gomberg by adding an additional part, as such as, drum as a choice of design.

The recitation in the claim of a cable shortener apparatus for permitting the length adjustment of a cable supporting a sign carrier from an overhead support, relates only to a possible or intended use of the device being claimed, but does not further structurally limit the device.

Double Patenting

Claims 1-13 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of copending Application No. 10037314. Although the conflicting claims are not identical, they are not

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patentably distinct from each other because it has all the structural elements as claimed in both applications except for a minor phrasing of words.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of record show other exemplary of hanging cable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Kim whose telephone number is (703) 305-3712. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone numbers are (703) 308-0552 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

SK

2/1/03



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